

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MITCHELL J. KLEMASKE,

Plaintiff,

No. CIV S-04-1750 FCD KJM P

vs.

MICHAEL BRUNELL,

Defendant.

ORDER

On April 19, 2005, defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b). Plaintiff has not opposed the motion.

Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion" On February 9, 2005, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

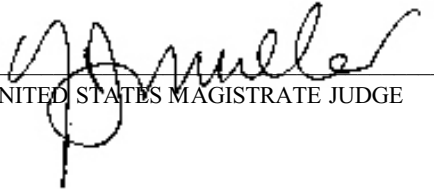
Local Rule 11-110 provides that failure to comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." In the order filed February 9, 2005, plaintiff was advised

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1 that failure to comply with the Local Rules may result in a recommendation that the action be
2 dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the
4 date of this order, plaintiff shall file an opposition, if any he has, to the motion to dismiss or a
5 statement of non-opposition. Failure to comply with this order will result in a recommendation
6 that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

7 DATED: May 25, 2005.

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10 UNITED STATES MAGISTRATE JUDGE
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